

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RADHA GEISMANN, M.D., P.C.,

Plaintiff,

vs.

ZOCDOC, INC.,

Defendant.

Case No. _____

NOTICE OF REMOVAL

Defendant ZocDoc, Inc. ("ZocDoc"), by and through its attorneys, Lathrop & Gage LLP, respectfully submits this Notice of Removal of this action pursuant to 28 U.S.C. §§ 1331, 1367 and 1441. This cause is now pending in the Circuit Court of St. Louis County, Missouri, under the name *Radha Geismann, M.D., P.C., individually and on behalf of all others similarly-situated v. ZocDoc, Inc.*, Case No. 14SL-CC00045 (the "State Court Action"). Pursuant to the provisions of 28 U.S.C. § 1446, ZocDoc attaches as **Exhibit A** the Class Action Petition ("Petition") filed by plaintiff Radha Geismann, M.D., P.C. ("Geismann") in the Circuit Court of St. Louis County, Missouri, as well as the Motion for Class Certification ("Motion") filed by Geismann concurrently with the Petition.

Removal is timely pursuant to 28 U.S.C. § 1446(b) because ZocDoc was served on February 13, 2014. Section 1446(b) gives the defendant 30 days to seek removal, meaning the removal period runs until the end of the day on March 15, 2014. A copy of this Notice is being served on Plaintiff's counsel and will be filed with the Clerk of the Circuit Court of St. Louis County, Missouri.

Because a federal question exists, this is a civil action over which the district courts of the United States have original jurisdiction as provided in 28 U.S.C. § 1331. Count I of Geismann's Petition alleges a violation of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, which gives rise to federal question jurisdiction. *See Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740, 748-49 (2012) (finding TCPA claim subject to federal question jurisdiction). Pursuant to 28 U.S.C. § 1367(a), the Court has supplemental jurisdiction over Counts II and III, which assert claims for conversion and violation of the Missouri Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. §§ 1331, 1367 and 1441.

For the foregoing reasons, this Court has subject-matter jurisdiction over this matter because it raises a federal question. ZocDoc hereby reserves all defenses and objections to the Complaint, including but not limited to: lack of personal jurisdiction, improper venue, *forum non conveniens*, insufficiency of process, insufficiency of service of process, and failure to state a claim.

Dated: March 13, 2014

Respectfully submitted,

LATHROP & GAGE LLP

/s/ Matthew Jacober

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Attorneys for defendant ZocDoc, Inc.

CERTIFICATE OF SERVICE

I, Matt Jacober, hereby certify that on this 13th day of March, 2014, a true and correct copy of the foregoing **Notice of Removal** was served via first-class mail upon:

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An attorney for defendant ZocDoc, Inc.